HIS CUITICISM OF MR, HEWITT, AND THE LATTER'S LETTER IN REPLY.

Philip Held to Awatt the Action of the Grand Jury-Ills Old Bonds to be Accepted-The Two Witnesses who Confessed Themselves Perjurers-What is Said of the Romors of Arrests for Subornation of Perjury. The decision of Justice Noah Davis in the ease of Kenward Philp, accused of having alled Morey letter and publishing a fac simile e same and comments on it in a scurrilous wapaper of this city, was given yesterday. be court room was thronged. All the counsel are present, including Assistant District Attorney Bell, George Bliss, and Mr. Stoughton

r the presention, and Roger A. Pryor, Charles W. Brooke, William F. Howe, and Abraham Hummel for the defence. Before reading his

decision Justice Davis said:
"I have given to the case of The People against Philp the most careful and elaborate examination in my power, and I have reached conclusions which will appear in the opinion I am about to read. In regard to the copies, I have caused letterpress copies of the opinion to be made, which will be handed to the gentlemen on each side and to the stenographer of the General Term for the use of the reporters." Justice Davis then read his opinion.

The Opinion of Chief Justice Davis.

Davis, P. J .- In this State the liberty of speech and of the press are declared, protected. and to some extent restricted, by the Constitution of the State; and in certain specified cases by statute. Section 8 of Article I, of the Constitution provides that "Every citizen may freely speak, write, and publish his sentiments on all subjects being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press." Chapter 130 of the Laws of 1854 enacts that "No reporter, editor, or proprietor of any newspaper shall be liable to any action or prosecution, civil or criminal, for a fair and true report in such newspaper of any judicial, legislative, or other public official proceedings. or of any statement, speech, or argument in the course of the same, except upon proof of actual malice." It further provides that this privilege shall not extend to "any libellous comments or remarks superadded to and interspersed or connected with such report." Another portion of the 8th section of Article I. of the Constitution defines the rights of persons when prosecuted criminally for libels, in indictments for libels, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libellous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to elermine the law and the fact."
Under these provisions during a political

canvass every person has a right to speak. write, and publish, "his sentiments" and oninons, and to discuss the character, fitness, qualifications, habits, opinions, defects, merits, or lack of them, of any candidate for office, in such form and manner as to him shall seem proper. subject, in law, only to responsibility for the abuse of that right. For such discussions the law sets up no standard of morality taste, bumanity, or decency, but leaves those matters wholly to the censorship of the moral sense of the people, except that when such writings or publications are libellous in their character, and are not privileged, the publisher must be able, on a criminal prosecution, to show to a jury not only that they are true, but show to a jury not only that they are true, but that they were published with good motives and for justifiable ends. But these provisions will be searched in vain to find any right to publish as genuine any false or torged letter or instrument purporting to be the act of another, although be be a candidate for office. In such a case neither the forger nor the publisher of the forgery is writing or publishing. his sentiments or opinions within the protection of the Constitution or discussing any question within the range of his lawful rights and privileges. He is both avowedly and in fact putting forth to the community as true the writing and act of another, and if the publication be injurious within the law of libel, he is bound in such case to know its truth, or to take the consequences of its falsity. In respect of the forger, and of the publisher with knowledge of the forgery, there is simply a cosus omissus in the law of felony which the consciences of all decent people must recognize, and legislation should insisten to supply. Unhappily in the present condition of the law, even such an act cannot be reached except as a criminal libel, but I think it cannot be doubted that if the contents of such a forged letter be such as to expose the alleged writer to censure or injury, or public hatred, contempt, or relicule, or such as might reasonably provoke him to a breach of peace, they will be clearly libelious, and the venom of the libel is only the more poisonous because the forger has put it into the mouth of the party intended to be injured. If there were no precedent, the common law is elastic enough to cover and redress such as public wrong.

As to THE ALLEGED OFFENCE

AS TO THE ALLEGED OFFENCE

The accused is charged in this case with two offences, substantially as follows:

First—That he wrote the so-called Morey letter, therein counterfeiling the handwriting and signature of James A. Garfield, and cauged it to be published as his genuine letter in a newspaper known as Trath.

Secondly—That said letter being in fact a forgery, but published as genuine, was publicly denied and denounced as a forgery by Gen. Garfield, and that after such denunciation and denial were made the accused wrote an article entitle! "Lying and Sticking to It," which he published in said newspaper, and in which he rossected the genuineness of the letter, and declared Gen. Garfield to be a liar for having denied it. AS TO THE ALLEGED OFFENCE

published in said hewspaper, and in which he reasserted the genulineness of the letter, and declared Gen. Garfield to be a liar for having deuted it.

If the Morey letter be in fact a forgery, its publication was, in my indement, libelious, because the sentiments it falsely puts into the mouth of Gen. Garfield are such as would tend, it believed to be his, to bring him into popular harred and contempt, and to excite breaches of the peace. In say view of the guilt or innocence of the accused in this case, the question of the forgery of the letter is of visal importance. Heemiss, first, if the accused actually wrote the letter and caused it to be published as genuine, those acts constitute a libel for which he should be held to trial; or, secondly, if he did not write the letter and cause it to be published, yet as he wrote and furnished to the newspaper the article entitled. "Lying and Stekling to It." in which with knowledge that Gen. Garfield had denounced the letter as a forgery, he reasserts its genuineness, and declares Gen. Garfield to be a liar for having denounced it, he must be held to answer, unless he has shown that in fact the letter is genuine, and that Gen. Garfield is therefore a liar in having denied it, and also shows that he wrote and published the article calling him a liar with general hat Gen. Garfield is therefore a liar in having denied it, and also shows that he wrote and published that to call a man in a public ends." It is settled that to call a man in a public lends, it is settled that to call a man in a public ends. It is settled that to call a man in a published, inash uch as it related to a subject in which the people of the country are deeply interested, and upon which they have a right to be informed of the opinions of candidates for the Presidency. And if the letter were in fact written by Gen. Garfield, his denial was a false-hood, and the demonciation of its eventual was in fact that case would be in the eye of the law good." And Justifiable "within the sense of the Constitutio

"good" and "justifiable" within the sense of the Constitution.

It follows from these suggestions that the question of the genuineness or forgery of the letter lies at the base of any just conclusion, in this case, and must be fully considered. The question may first properly be considered in the light of intrinsic and by the evidence indisputable facts, whelly independent of all opidions in respect of the handwriting.

The theory of the genuineness of the letter is that it was written by Gen Garlied at Washington on the 25r day of January, 1850, to one it. I show, and on or alsout that day mailed at Washington addressed to Morey at Lynn, Massichtactic, where it was received by Morey. It was shown that the effect, with its curvious cutton the hands of Mr. Hart at the office of the newspaper called Traff, on or about the second of the 18th of October, 18st, in an enverse mailed in the city of New York, accompanied by a letter purporting to be written by the "John W. Smelall of Lynn," Mr. Hart to stiffed that he dreamful delivered to the constitution in which they were received by him.

EXAMINING THE ENVELOPE.

A careful cannination of the envelope diselementary factor. That it hears on its face the
soldress. It. L. Morey. Lyan, Mass.," and in
the name lett sand expire the printed words.
House of Representatives, U.S.," in the lower
lett-hand corner the word. Personal," and in
the upper right-hand corner a three-cent postal
stands can ented, and astump of the Washingthe Post Office and its several different places
for Post Office and its everal different places
former stant seem to be of no special signifcance, event it be to show that the envelope
had been used to make computations for some
purpose. On the back of the envelope are similar figures in several places, and the stamp of
the reserving department of the New York Post. DEAMINING THE ENVELOPE. purpose. On the back of the envelope are similar figures in several places, and the stamp of the rose ving department of the New York Post Office, and the outer rim of a stamp like in size and appearance to those used at the Post Office.

stations in the city of New York above Canal street, to which letters are sent for delivery by

stations in the city of New York above Canal street to which letters are sent for delivery by carriers.

A closer examination of the envelope shows also that on its face there is an erasure extending lengthwise of the envelope, a little above the part where "H. L. Morey" is now written, for a sonce longer than that address. At the beginning of this erasure, at the left are the marks of an initial letter, appearing to have been an "E." and at the other end the cuttine of the letters "Esq." can be even and read when the envelope is held in a proper light. Below this a shorter line of erasure, on a part of which the name "Morey" is written and the ink has spread, as is common in writing over an erasure; and below and to the right of this are two separate crasures, as though separate letters or numbers had been erased, on one of which the "M" of Mass, is written, and the ink is also spread. In the lower left-hand corner is an wrasure, on which appears as the second of a compound number, being so close to the right of the circle as to show that it was the second of two numbers. There is a mark after the fluere" 2. supposed to indicate an attempt to insert a figure, and it is shown by examination not to be a stamped mark. Across the centre of the stamp appear the figures and letter "7.30 M.," but an A. or P. preceding the M. is not to be seen. In the stamp said to be of the station, the letter indicating the subject of the mark again, and the station of day have apparently been erased. Some alight traces of a part of them appear, but not sufficiently thain to make out the station of day have apparently been erased. Some alight traces of a part of them appear, but not sufficiently plain to make out the station or date. In making these latter erasures a portion of the lap of the envelope has been rubbed or for out. The abrasino of the surface of the paper, in the case of all the erasures a portion of the star locality, show satisfactorily that the erasures were purposely made with some intent. It is manifest that if th maxim of the law that all things are to be pre-sumed against the despoiler of evidence.

TESTIMONY CONCERNING STAMPS.

With these susplicious circumstances apparent on the envelope, let us proceed to notice what they tend to establish in the light of other evidence. By the several witnesses from the Washington Post Office the identity of the stamp on the face of the suvelope is shown. It is also proved, without contraversy or contradiction, that the impression is that of a steel stamp which combines with itself a stamp for cancelling the postal stamp, so constructed that both operations are completed by a single blow; and that this stamp was first used between the 15th and 19th of February, 1880, and never before; that up to that period a rubber stamp was used, which also had a combined cancelling stamp produced straight and not circular lines; that the rubber Post Office stamp produced a spread and blurred impression, and not a distinct one, like the steel stamp. These facts are established by three witnesses, and they are not shaken by the fact that the Post master, who was one of the witnesses, says that he had published a card saying that the attest stamp did not come into use till April, because he explains that error by saying that he attest stamp did not come into use till April, because he explains that error by saying that the attest stamp did not come into use till April, because he explains that error by saying that the attest damp did not come into use till April, because he explains that error by saying that produced acan daying that the steel stamp did for the time at which its use commenced; and that a subsequent personal examination showed that the correct date of its use was in February. This testimony shows that the envelope and whatever it then contained must have been mailed after the 15th of February, 1880, and not on the 23d, or on any other day of Jinuary. It alise us to see why in that stamp the month was wholly and the day partially crased; for manifestly it would not have been says to have presented the letter dated. Washington, Jan. 23, 1880, in an envelope mailed a month TESTIMONY CONCERNING STAMPS.

What the impressions indicate.

With the fact established that the steel stamp could not have been impressed till after the 15th of February, we now turn to the stamps on the back of the letter. It is proved by the Superintendent of the Receiving Department of the New York Post Office that the envelope bears the receiving stamp of that department. That that stamp is never put upon letters passing through the New York Post Office for Lynn, Massachusetts, or any other place in the Eastern States; that it belongs to letters received for delivery in the city of New York; that it indicates that this envelope was received for deern States; that it belongs to delivery in the city of New York it hat it indicates that this envelope was received for delivery in the city of New York at 7:30 of some morning, or evening, on a day of some month, of which day the figure 2 was the second figure of a compound date. He proved also that in the stamp the words "New York Reed" were permanent; that the abbreviation of the month was inserted monthly; the date of the day, daily, and of the hour, every half hour throughout the business hours of the office; that all letters received for delivery in streets or places above Canal street were sent to stations in which the number and place of delivery was situated; that on reaching the station each letter received a stamp, like in size and appearance to that on this envelope, which stamp contained within the circle a captant letter indicating the station, and, below the letter, figures indicating month and day of the month and time of receipt at the station, and that the letter and figures should appear. It was proved, also, that the types put into the receiving stamp, showing the day of the mouth, were solid; so that in that stamp, where two numbers were necessary to give the day, they were both on a single piece of steel, and could not be separately inserted; and that the figure "2" in the receiving stamp was, from its position, of necessity the second figure of a compound dat, and this appears to any one's observation.

It is shown by the officer in charge of the mails on the railroad ents that letters mailed in sity the second figure of a compound data and this appears to any one's observation.

It is shown by the officer in charge of the mails on the railroad cars that letters mailed in Washington at 9:39 F. M. are is cought to New York on his postal car; that on the route all letters for Lynn and other places in the Eastern States are separated, put up in separate packages, and placed in separate bouches which do not go to the New York Post Office, but are sent directly to the postal service cars at the Forty-second street depot, except on Sunday mornings, when the pouches are taken to the New York Post Office. But are sent directly to the postal service cars at the Forty-second street depot, except on Sunday mornings, when the pouches are taken to the New York Post Office. In the exceptional case it is shown that the nouches remain at the New York Post Office on Sunday till the atternoon eastward mail train, and are never opened but are sent forward as they are received; and that when connections of the mail trains are missed, the touches are brought to the New York Post Office and opened, and the separate par kages of letters which they contain are sent forward by the next mail train, without being troken or disturbed at the New York office. In addition to these facts it is shown by the Postmaster at Lynn that betters coming into his office and research to transient persons who have no boxes, or whose names and residences are not on the carriers list, are put immediately upon a general list, alphabetically arranged, and kept and posted in the outer office, accessible to all persons for examination. He produced the books and lists covering the period within which this envelope, if sent from Washington to Lynn, would have reached that piace, and the name H. L. Morey was not to be found thereon. He aim to testified that no person named H. L. Morey has not to be found thereon. He aim to the first produced by him. No such stamp is on this envelope, and he testified that no person named H. L. Morey had a stox in the off

CONCLUSIONS AS TO THE EXPELOPS. CONCLUSIONS AS TO THE ENVELOPS.

Collating all these facts, which are in no material part contradicted or implumed, we are brought to dissert with almost the highest degree of certainty that ovidence can attain, that the envelope in which the Morey letter is said to have been received was never mailed, since ped, sent and received through the Peac Office ed, sent and received through the Peac Office. ed, sent and received through the Pear Offlice but once; that it was moded that once at Washington on some day, later than the 15th of February, 1880, and when the steel stamp was in use; that it was received in New York and stamped in the receiving department on the 12th of 22d day of same month, as those are the only dates of which the figure "2" can be a terminal number; that it was sent to a station and delivered to the person to whom it was addressed where hame beyond all dunct was not. If, I. Morey," for in that case no erasure would have been necessary; that this envelope has, since its receipt and delivery in New York, been lagen and used by some person bent on a criminal purpose, who crased therefore, the contraction in a criminal purpose, who crased therefore, the contraction is a criminal purpose, who crased therefore, the case. been necessary; that this envelope has, since its recorpt and delivery in New York, been ingen and used by some person bent on a criminal purpose, who crased forestron the name of the person to whom it was originally addressed and delivered, and overy date of month and day that would clearly show when it was in fact mailed and received, for the purpose of building into it a letter antenated to a day prior to the nomination of Gen. Gerffield, and on which he was known to have been in Wassimaten, and that such person whote or caused to be written thereon the address. H. L. Morsy, Lynn, Mess. for the purpose of deceiving the jublisher of the newspaper to whom it might be delivered into the boilof that the lotter it should enclose was a continued for its thould enclose was a genuine letter of J. A. Garfield. Doubtless it was not supposed find the on-valope would be a subject of much scrutiny. The letter itself was the great subject of his thoughts and the envelope, he probably presumed, having served its purpose, would fail unheeded into a mobisher's waste basket.

It is inconceivable to suppose that Gen. Garfield sloud have obtained this once used sonvelope, orased the fermer address and burred and scratched the dates of month and day for the purpose of delivering such a letter to a man whe, if he over lived, was security instentif.

his present existence or the proof or repute of his death; and that, having obtained it, he should have prepared an antestated letter, marked it "personal and confidential," as one writes to his closest friend, and enclosed it in such an envelope and addressed it over the greaters, and delivered or caused it to be delivered ored without using the mail, for the special and private information of one so scon to become undiscoverable and unknown. Yet to such a belief the mind of every person must come who accepts as true that this envelope ever bore to any "H. L. Morey" the letter it contained when nanded to Mr. Hart.

All the facts above gnumerated, which discluse so cicarly the character of this cuvelope, bear with no less force upon the question. Is the letter a forcery? It is next to impossible that they can be true and the letter be genuine; but they are recinicred by other facts, which remove from thy mind the last shadow of doubt.

COLLATERAL EVIDENCE.

that they can be true and the letter be sentine; but they are reconferred by other facts, which remove from my mind the last shadow of doubt.

COLLATERAL EVIDENCE.

First—It is shown to my satisfaction that there mover was any such organization at Lynn as. "The Employers' Union." Citions of intelligence, and apparent integrity, whose publicand private positions as manufacturers, as Mayor of the city, Postmaster, and superintendent of workmen, gate the best opportunities to know, testify that no such organization existed. They describe the meetings of manufacturers that were held during the excitement of the strike known as the Crispin strike, and their objects and purposes, and their cessation when the strike was over. All the evidence that tonds to contradict them is diele hearsay, in no sense sufficient to justify the finding of a fact.

Secondly—There was no such person as "John W. Goodall of Lynn, Mass.," by whom the letter which accompanied the Morey letter to Mr. Hart, purports to have been written. This is proved as strongly as negation of that kind may be; for the only person in that city who bears a similitude to that name. Jonathan W. Goodell, a respectable physician of many years' standing, appears and testifies that he never knew or heard of any other person bearing the name of "J. W. Goodell, and that he did not write the letter, and other witnesses corroborate his testimony. No one is produced to show the existence of such a person as Goodall, or to stand godfather to his pretended letter. Nor is it shown that any such person has ever, at any time or place, been appeared and mastrator of any Henry I, Morey. The letter signed John W. Goodell of Lynn is clearly a fair residency. When we will be presented to show the existence of such a person as Goodall, or to stand godfather to his pretended letter signed John W. Goodell of Lynn is clearly a fair respectively by the date of the affiliation, when we have the sense of the same of

not entified to consideration.

The entries in the register of the hotel at Lynn are not trustworthy. They are shown to be written with the same kind of ink, which differs from the ink used in writing the other names on the same page, and are both written in spaces at the text of a day's registration, sweral months apart. They received all their sauction from the oath of Samuel S. Morey, who swears they are in the handwriting of Henry L. Morey; but when it is established that the Henry L. Morey of whom he testides has no existence, the entries appear to be another forgery based upon perjury, concotted by criminals to uphold crime.

In the light of all the evidence bearing on this quistion, the conclusion is irresistible that no such person as the "H. L. Morey" named in the letter as the "personal and confidential" correspondent of Gen. Gardeld ever existed.

AS TO THE LETTER ITSELF. AS TO THE LETTER ITSELF.

It may well be said that the facts already considered establish with sufficient clearness that the letter imputed to Geb. Garfield is a forgery, for it surpasses creduity to believe that he was induced to write this letter to some one who assumed the name of Morey, and to place it in a second-hand ernsed and altered envelope for delivery to such person. Still, if the letter were found to be in fact in Geb. Garfield's handwriting, some such solution of the mystery must be adopted.

The testimony as to the handwriting is mainly.

The testimony as to the handwriting is mainly The testimony as to the handwriting is mainly matter of opinion, based upon greater or less familiarity with the handwriting of Gen. Garfleid, or upon real or apparent resemblances between his genuine writing and that of the Morey letter. In considering such evidence it should be remembered that the success of a counterfeit always depends upon its resemblance to the genuine instrument. If it have no resemblance it is of no value as a counterfeit, except perhaps with credibles persons who know nothing of the reality. So that if it be conceded that the handwriting of the Morey letter is an attempt to imitate the hand of Gen. Garfleid, the resemblances will be more or less numerous as the attempt is more or less successiu. Cases naveres known where skilled business have been the victims of such decep-

EXPERT AND INEXPERT TESTIMONY. The opinions of experts in such cases, though valuable, require the closest scrutiny, and must be based up a substantial reasons lying deeper than mere resemblance. The opinions of inexperts are often captured by apparent but feigned resemblances. In this case several experts, on the one hand, have given quite confident opinions that the Morey letter is not in the handwriting of Gor, Garfield, and several experts, on the other hand, have given equally confident opinions that it is in his bandwriting. The reasons assigned by the former class less commend their opinions to my unigment, because they best concar with extrinsic facts, which show their opinions to be correct. But none of the examination and comparison of the original Morey letter with the genuine letters of tien. Garfield requisite to enable them to pronounce convincing opinions. They formed these opinions largely upon the use of The opinions of experts in such cases, though the original Morey letter with the genuine file original Morey letter with the genuine to pronounce convincing orinous. They formed these opinions largely upon the use of lithographic copies taken from the newspaper. While for from some other newspaper, while their examination of the original was limited and cursive. The witnesses who gave testimony based upon their knowledge of Gen. Garfield's handwriting were also divided in opinion. The principal of these on either side was the witness Col. Rockwell, who pronounced the Morey letter not genuine in his opinion. And the witness Mr. Alaram S. Hewitt who pronounced the Morey letter not genuine in his opinion, and the witness Mr. Alaram S. Hewitt who pronounced the Morey letter not genuine in this opinion. However, the every since his intimate personal friend, and is indebted to him for advancement and position. His correspondence had been constain and trequent for many years. His opportunities of knowledge, and his candor and fratheness, gave a weight to his opinion which his irrepushing and intimacy with Gen. Garfield do not, in my judgment impair. Mr. Hewitt appears also to have been on social relations of intimacy with Gen. Garfield, though to a less extent and for a shorter period. The bitters of Gen. Garfield's which he preduced, express and inner most peace in the examination of writings, the signaline to the Wardings of Gen. Garfield; but that the body of the letter was not he writing nor was the address upon the envelope. The weight of this cainon, and the meticle for giving it, are made and surface that the Morey letter was the first was star genuine writing of Gen. Garfield; but that the body of the letter was not he writing nor was the address upon the envelope. The weight of this cainon, and the metics for priving it, are made address upon the envelope. The weight of this cainon, and the metics for priving it, are made and the subjects for consideration. The opinion itself, an respect of the difference of the same fund work has also and according to t

again assured that he (Hewitt) had examined a large number of Gen. Garfield's letters, and that the Morey letter was genuine; and this was clinched by impressing Mr. Hart's mind with the idea that "he would have made it out a clinched by impressing Mr. Hart's mind with the idea that he would have made it out a forgery if he could." It is not very surprising that Mr. Hart, with the usual anxiety of newspaper publishers to be anead of their neighbors, should have published the letter without further inquiry; but it is astounding that a man of known sagneity, of great experience in business and in public affairs, and who is supposed to have a descar respect for truth and italice, and who speaks as an expert in writing, with all the suspicious circumstances that attended the reception of the letter, with the cuty Post Office and station stamp on its back, with the letter marked 'personal and confidential," and addressed to some person whom he certainly did not know; with a letter before him, the contents of which, if true, would be greatly injurious, and if false, would do a wrong to his intimate friend, as base and wicked as an assassin's stab, shouth have thought it just to press and cause its publication without first removing all doubt as to its character.

wiched as an assassin's stab, should have thought it just to press and cause its publication without first removing all doubt as to its character.

However much an equitable division may leave for others, upon Mr. Hewitt'must rest the larger share of responsibility for the first publication of the base and shameful forgery; and his subsequent relations to the forgery do not little asingle shadow from his conduct. He was a member of the National Committee. He doubtless know the extent and purposes to find a single shadow from his conduct. He was a member of the National Committee. He doubtless know the extent and purposes to find for which it was taken and used by that committee, and that it went forth to the country with the sanction of his endersement. He knew beyond question that it met speedily with the indignant denial of Gen. Garfield, who denounced the letter as a base and stupid forgery, and its sentiments as brutin.

There our statutes the utilizer of a forged instrument, with knowledge of its faisity, is placed in the same rank of criminality with the forger. Had the subject of the forgery in this case been instruments purporting to be obligations of tion, Garfield, and he had publicly declared them to be forgeries, who could thereafter send them forth and circulate them throughout the community, with his representation of genuineness, without incurring the pear from the evidence in this case whether the denial of Gen. Garfield, or some other cause, tened down the conscience of the signature and not of the body of the letter, nor whether it was under the subterfuse that the denial was not broad excuping the forgery broadcast throughout the country with hold asseverations of genuineness. And it also appears that so far as the envelope is concerned the lithographs sent forth as facestmiles were not true copies of so much of the country with hold asseverations of genuineness. And it also appears that so far as the envelope is concerned the lithographs sent forth as facestmile were forced to the forgery. I

THE JUSTICE'S CONCLUSIONS.

In considering this question of handwriting, the statute of 1830 (chan, 36 of the Laws of 1830) brings in a new element of evidence. Comparisons of disputed writings with those shown to be genuine are under this set to be "submitted to the court and jury as evidence of the genuineness, or otherwise, of the writing in dispute,"

Availing myself of this rule, and fully considering all the evidence bearing upon the question, my mind has reached a clear convision.

Availing invest of this rule, and fully considering all the evidence bearing upon the question, my mind has reached a clear conviction that the so-called Morey latter, in body, signature, and all its parts, is not in the handwriting of Gen. Garfield, but is altogether a forgery perpetrated by some person, or body of persons, for the purpose of deceiving the people and defrauding them, and Gen. Garfield, of their votes.

their votes.

It is not at all necessary that it should be de-It is not at all necessary that it should be determined on this investigation whether Kentermined on this investigation whether Kentermined the property of the letter. As already stated, the offence of the inspection of the foregry, and that the Morey letter is in fact a forgery, and that the Morey letter is in fact a article which charges Gen. Garfield with lying in denouncing it.

The evidence bearing upon his guilt or innocence of the forcery is voluminous, and would demand a careful analysis. Taken in connection with other evidences in the case, it tends to estatish a grave conspiracy to accomplish a national crime. The conspiracy points

ware must look upon the act as an appaling retime, wholly at war with the safety and same up of popular government. Fortunately no committee and no body of men hold in their hands the conscience of the people, and no party featy is strong enough to intercept the sentence of condemnation which honest men of all parties must pronounce upon such guilt. The men most criminal in this case may not be reached by the hand of justice, but they will find no party willing to bear and share with them the just measure of infamy and seon that awaits them. As they have failed in their guilty purpose, so they will fail in securing the approval even of those for whose success they have done the guilty work. It will be small consolation to know that they have gained by the forgert a few incless electoral votes, incited an inforiated mobito the murder of a few unoffending human beings, and caused a few of their own agents to suffer for perjuries and misdemeanours.

charge of craminal itsel, and must be commit-ted, or give ball for his appearance, to answer any indictment that may be found against him. Philip's New Bonds. At the conclusion of the reading of the decision of Justice Davis, Mr. Pryor and Mr. Brooke arese together, and asked that the pris-

The defendant is held to answer upon the

soner, Philp, be permitted to continue at liberty under the same bonds as before.

Assistant District Attorney Bell said that he would be willing to accept one of the same

bondsmen, but not both.

Mr. Brooke replied that one bondsman was

bondsmen, but not both.

Mr. Brooke replied that one bondsman was sufficient, and Justice Davis said that the same bondsmen would answer. In order to give time for the new bond, which became necessary in consequence of the holding of the prisoner for the Grand Jury, Justice Davis adjourned the court until Mostley.

William F. Howe, who during the trial has atted mainly as counsed for Josh Hart, the publisher of the paper in which the forged letter was printed, then prose and addressed the Court, holding in his bands paper. Howas about to read it when Justice Davis interrupted him, saying, "The rase is closed."

How persisted, saying, "This is in reference to myselfulone, if the Court will hear me."

Justice Davis said he would listen, and Howe scales of the winesses has stated in his confession that in an interview with me at Mr. Itset's office, when I was taking his deposition, I said to that that that was all he would have a swear to. I will simply say to your Lobor that in the soiler, from beginning to end—"

Justice Davis—I have neithing to do with that, I have make no alusson toth. It is not a proper supper to come before me.

The Court adjourned until Monday, when pinity's new bond will be presented. The Court adjourned until Monday, when Fully's new bond will be presented.

Morey and O'Brien-As to the Rumors About

Silows this fact to every person who is free from obliquity of vision or perversion of judgment.

Mr. Araxam's, Hewlitt curiticism.

Jr. Hewlits connection with this isticrand the transactions that have grown out of direct to say fine least, of the most extraordinary character. According to the testimony of Mr. Hait, who he received the later in the very suspicious were aroused. He saw its importance, if genuine, as a weapon of deadly power in the family of field, therefore look the letter and onvolues to the Democratic National Committee, and in the paters, and said in substance, that he did not want to publish the letter for the paters, and said in a substance, that he did not want to publish the letter for the present that it is a said that Samuel's Morey whose confission of perfect the paters, and said in a substance, that he did not want to publish the letter for the present that the paters and said in a substance, that he did not want to publish the letter for the present the paters and said in a substance, that he did not want to publish the letter for the persons he mand; but Mr. Hewlit made the closest and most careful examination, and spent fully a haif hour in its examination, and he persons he mand; but Mr. Hewlit made the closest and most careful examination, and spent fully a haif hour in its examination, and spent fully a haif hour in its examination, and he persons he mand; but Mr. Hewlit made the closest and most careful examination, and spent fully a haif hour in its examination, and he persons he mand; the persons he mand; the persons he mand; the persons he mand; the persons he mand in the letter both looky and sermance of the persons who at sermance of the very conferral his examination of the people in the following the persons he mand of the possible worth of his attention of the people in the following the persons he mand of the possible worth of his attention of the people in the following the persons he mand of the possible worth of the people in the following the persons he mand of th

decided, according to the understanding of the subordinates in the office that the trial of O Brien shall be moved by Mr. Bell in the current term of the General Sessions or of the Court of Oyer and Terminer.

After the conference Mr. Bell told a reporter

Court of Oyer and Terminer.

After the conterence Mr. Bell told a reporter that the reserved parts of the confessions of O'Brien and Morey, which, it is rumored, are regarded as implicating these persons, must still be withheld from the public in the interest of justice, but that developments in regard to these sunpressed parts may be looked for early this week. No arrests—if any were to be made, he added guardedly—would be made last night or to-day.

After the decision of Justice Davis in regard to Kenward Phip, holding him to await the action of the Grand Jury, was delivered, Mr. Bell sont for the official report of the testimony given in the examination of Philp, and set several clerks to work in paging and indexing it. This was done with a view to enabling the Grand Jury to set promptly in regard to finding an indetiment against Philp, which will be sought by Mr. Bell to-morrow.

When the index to the evidence was complete, Mr. Bell directed the clerks to prepare a new built bond for \$5.000, to take the place of the bond for the same amount that Philp gave on the day of his arest.

Answer to the control to the control

sought and found Mr. Hewitt again, and was again answered that he (Hawitt had examined a larke number of Garfield's letters, and that the Morey letter was genuine, and this was chiched by impressing Mr. Hart's mind with the litest that he would have made it a forgery if he could. It is not very surprising that Mr. Hart, with the usual anxiety of newspaper pupilishers to be ahead of their neighbors, should have published the letter without further inquiry, but it is assounding that a man of known sagacity, of great experience in public affairs, and who is supposed to have a decent respect for truth and justice, " " thought it just to press and cause its publication without first removing all doubt as to its character."

Now the simple and unnawerable reply to all this thement and the extraordinary comments in which Judge Davis has seen fit to indulge is that the letter had already been published in Truth befere I had ever seen Mr. Hart or the original letter or any copy of it. This fact Judge Davis must have known when he penned the above lines, because I had sworn in his presence, and after cross-examination by Mr. Stongitton, in which Mr. Blass intervened to verify the dates, that the interview with Mr. Hart and the examination of the letter took place on the 20th of October, after its publication in Truth, and not before. I do not know whether Mr. Hart made a mistake in his testitimeny as to the date, but if he did, there is no possible justification for Judge Davis to base a statement in Kred beyond the possibility of all controversy.

While I was writing this statement I sent a controversy.

the mistake had been pointed out and the date had been fixed beyond the possibility of all controvers.

While I was writing this statement I sent a measener to Mr. Hirt to ascertain whether he had ever made any declaration at variance with the facts as I have stated them. Mr. Hart repoies that he "never said, testified, or thought that Mr. Hewitter any one connected with the National Committee saw the letter in advance of the publication of the text of the letter in Touth on the 20th of October."

Now, as to the minor assertions contained in the above extract. I never princulated the "body and signature" to be in the nandwriting of Gen, Gartleid. On the contrary, in the presence of Mr. Hart and all the gentlemen present, I declared the bignature to be his autograph. I do not think that Mr. Hart has given any testimony to the contrary, but if he has it is an error of the contrary, but if he has it is an error of the contrary, but if he has it is an error of the contrary, but if he has it is an error of the signature of the last it is an error of the contrary, but if he has it is an error of the contrary of the contrary.

As to the second interview, in the evening, it took pince after my speech at Chickering Hall, when I was exhausted, and took no other part in the discussion but to reaffirm my belief in the ground of the part in the discussion but to reaffirm my belief in the ground of the part in the ground. But have made it a forgery if I could." For his he can by one else testified that I ever used this expression.

Want this statement I leave it to the public to judge how utterly baseless is the following indement of the Court:

"However much an equitable division may leave for others, upon Mr. Hewitt must rest the largest share of responsibility for the first publication of the base and shameful forgery."

And asia how far Judge Pavis is justified in his apology for attacking a witness who was put upon the stand against his will, and forced to "tell the truth. The whole truth, and nothing but the truth. He says: "And whenever a person connected with the offence is sworn as a witness on its investigation, his testimony is subject to the criticism that because to excomplies and accessories." Would it not have been better if the Judge had stated the testimony as it was before subjecting it for the essention that "He illy worl on, with his associates, scattering the forners breascastitroughout the country. " " and that, so far as the envisored is sentering the forners breascastitroughout the country. " " and that, so far as the envisored is sentering the forners breascastitroughout the country. " " and that, so far as the envisored is sentering and lack my subject. The first linhing raphs published show truly that the Washington has it office and in ordering and lack miles afterward used these things appear in plain and clear types and facures."

Se for as I am concerned, it would perhaps be a sufficient answer to say that I accept the second of the sufficient answer to say that I accept the second of the sufficient answer to say that I accept the se

graphs and faccionies afterward used these things appear in plain and clear types and figures.

So far as I am concerned, it would perhaps be a sufficient answer to say that I never eigenlated any lithegraphs or fac similes of either kind; faut in order to show with what reckless easemess the charge is made. I state that I am assured by the person who did send out the fac similes that only the first or accurate ones were circulated, and that the second or amended fac similes were only published in Teath, over which it is not pretended that the committed has been accurated.

I forficer to thise any commentary whatever upon the extraordinary character of the opinion pronounced by Judge Davis. It is enough for me to point out that the foundation upon which he has built up the attack upon my character is asset in fact, and with this demonstration the categories can only be damaging to himself.

I was prepared for this attack by the evidently pre-arranged profitmanty statement of Mr. Stoughton in the Toward vestering, to which I am now forced to believe that there is a concreted scheme to attempt to break me down in this community where I have lived for more than thy years and to which I can more safely ignst for a just judgment time to Judge of the Supreme Court was forgets that when he becomes a Judge he should coase to be a portrian. New York, Nov. 13, 1880. ABRAM S, HEWITT,

Terrified by a Mirage.

In Watchapreague Inlet, off the county of Accomment, Virginia, on the morning of the 1st inst., about twenty using heats were raing at anchor. The and store lemind a thick for links the colors of the control of the colors of the beats was beard. A conditionation scale had secured to a single minute. Apparently not a market beat accorded to a single minute. Apparently not a wish the beats was less the islanded three desired with the beats which the beats was less than the islanded three desired with the beats of the colors of the desired of the colors of the desired of the colors of the colo

Suntching a Ludy's Watch.

A well-dressed man stopped Mrs. Sadie A Well-dressed man stopped Mrs. Sadle Sainth of 33 West third street near her house on Friday and asked the time. As she took out her watch no snatched it from her and ran away. She ran atter him and she med it her. Poice man Henry heard her and captured the man, who sail he was James it effect if 278 Most street. He was committed in the Jefferson Rarket Police Court jesterday.

SEEKING TO INFLUENCE JURORS. The Charge Against Alderman Sedicke and

durer Ketcham in Newark. The arrest of Herman W. Gedicke and W. E. Ketcham in Newark, for an alleged conspiracy to corrupt jurors, caused a sensation there yesterday morning. At 9 o'clock scores of men were present in the Court House to listen to the

after be sent in reply to letters received from naturalized citizens of German birth, making inquiry as to their status should they return to the old country. The circular sets forth that if a naturalized person of German birth, not guilty of a crime under German law prior to revisits Germany in good faith as an American dence of his acquired nationality, which is furnished by his citizen papers, or authenticated copies thereof, and a passport from the Department of State, he may be assured of all proper protection by the Government and its representatives; but the department cannot guarantee any one against the cossible molestation which might ensue should his status be questioned and require justification.

The raturalization treaty tetween the United States and the North German Confederation recovers the confederation of the confeder many through any naturalization in the United States, inasmuch as these provinces were not a part of the empire when the treaty was concluded. As a matter of couriesy, however, the German Government has always responded favorably whenever this Government has made a request in any particular case of this kind for the release of a naturalized American citizen who had been arrested and held for military service. In the case of natives of Alsace or Lorraine, who left those provinces prior to their acquisition by Gormany and became duly naturalized citizens of the United States, the naturalized citizens of the United States, to State Department has always held that su persons, never having owed allegiance to Ge

AN INBURAN TRUCKMAN.

Convicted of Having Enocked Out a Horse's Eye and then Foreing it to Work. John Wyman of 445 West Thirty-fifth street, a truckman, was arraigned in the Special Sessions on Wednesday on a charge of cruelty to onimals. Henry Bergh, Jr., said that no Sept.
The Society for the Prevention of Crucity to Animula received a note from Miss Kate Shuart, who then lived at 447 West Thirty-fifth street, who then lived at 447 West Thirty-fifth street, saking that an officer be sent to John Wyman's stables to examine a horse that had been crucily treated. Mr. Bergh said that he went to the stable, and shortly after his arrival Wyman drove up with a span of horses, one of which the stable, and shortly after his arrival Wyman drove up with a span of horses, one of which had been surfed into the socket. The torse had been worked all day in a temperature of that the horse was vicious. Mr. Bergh allowed that the been worked all day in a temperature of that the horses was vicious. Mr. Bergh allowed that the season was and found that it was gentle. The former was taken to the sockety Stables for the surface of the same and to rest, and then he put it to a bestration that the former was taken to the soccety's stables for the surface of the same and to rest, and then he put it to a bestration of the surface was taken to the soccety Stables for the surface of the same and to rest, and then he put it to a bestration of the surface was taken to the soccety Stables for the surface was taken to the soccety Stables for the surface was taken to the soccety Stables for the surface was taken to the soccety Stables for the surface was taken to the soccety Stables for the surface was taken to the soccety Stables for the surface was taken to the soccety Stables for the surface was taken to the soccety Stables for the surface was taken to the soccety Stables for the surface was taken to the soccety Stables for the surface was taken to the soccety stables for the surface was taken to the soccety stables for the surface was taken to the soccety stables for the surface was taken to the soccety stables for the surface was taken to the soccety stables for the surface was taken to the soccety stables for the surface was taken to the socked. The surface was animals. Henry Bergh, Jr., said that on Sept. 7 the Society for the Prevention of Cruelty to working it. Dr. Field, veterinary surgeon for the Society

for the Prevention of Cruciasto Angeles and that the sufferings of the animal must have been so indense that the working of it in that condition was insurant.

Justice Wanded, after consultation with Justices Duffy and Flammer, fined Wyman \$50, which was paid.

The Bnd Plight of Mary Cummings. Mary Cummings, a neatly dressed young

woman, was arraigned before the Yoravite Police Court resterday for intexacation. Removement and respectable appearance attracted Justice Eight's indice. She said.

MR. BUTLER'S MEW HAT.

Why Mr. Van Ness was Asked to Pay for It, and the Scene that Followed

Henry L. Butler, a well-known citizen of Paterson, N. J., and Chairman of the Passaio County Republican Committee, and Henry S. Van Ness, who keeps a pork store and grocery in Main street, Paterson, made an election bet,

Fraser was subprenaed, but he sent his physician's certificate to the effect that he was suffering from a nervous disease which rendered him powerless to use his limbs, so that he had to be carried about like a child. His physician

him powerless to use his limbs, so that he had to be carried about like a child. His physician declared that it would be unsafe for him to attempt to respond to the subprena. Then Mrs. Johnson's counsel obtained an order from Justice Landbuck examination of Mr. Fraser to J. Orland Harrison as referee. On Thurstay Mr. Fraser testified before the referee, and in the presence of counsel for both sides, that he knew the witness. Mrs. Sarah Ketsham, and that he had boarded with her in this city and Brooklyn at different times for eight years. In the latter part of February or the first of March last, while he was residing with ner at 32 Marcy avenue, Brooklyn Mrs. Ketcham told him that Mrs. Scott wished her to be a witness in a suit she had brought for some property; that she cliffs. Ketcham knew nothing about the case, but she said that Mrs. Scott had told her what she wanted her to swear to and she tidles. Herefore, and she tidles, Ketcham was poing to do it.

The fense of the country helpre and she tidles and Lordon and she tidles. Retcham was poing to do it.

The fense of the country helpre and the country hel

defendant, and pending his lilness the trial of the case has been suspended.

Another feature of the same litigation is a claim set up by a new defendant that James Scott never owned the property in controversy, except under trust deed, so that his wife ob-tained no dower right in it.

TESTING FIRE ENGINES.

A Trial that Seems to Bear Out What has been Said of the Machines Used in this City.

It has been held that many of the steam fre engines in use in this city, especially when called up in for continuous service, have proved very inefficient, and, in order to test the engines generally in use in New York and Brooklyn side by side with other well-known patterns, a trial was made on Tuesday under the direction of the Fire Commissioners.
At 7 A. M. the fires were started in three steam

fire engines standing in a row along the stringpiece on the Police Department wharf at Sevenscenth street, East River. The engines were No. 20, of the type in use in this city and Brook-iyn. from the Marion street station, made in Manchester, N. H.; No. 33, made by the Clapp &

ontal his house, who did not Prizzerald, an old call-more different who has worked in the Tarrytown is Works for six years, came up to him, and shapping the Works of any years, came up to him, and simpling street in the back. Similarly wait. "Git may, if years and the back that there is the cut of years and the back of the cut of years and the similar was the first that the cut of years and the similar was the first that the similar was the first that the similar was the similar was

The New Catskill Mountain Rathroad.

The following routs has been decided upor r Ce drantors in the Catakin Mountain Sailcook. For a atskit Point it runs through the Dramond Hill projects. Training the cross at the not rented crossing them.

It is a proper of the cross to the key of the cross to t